

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JERRY DAVIS : CIVIL ACTION
v. :
LOWE'S HOME CENTERS, INC., et al. : NO. 09-5367

SECOND AMENDED SCHEDULING ORDER

AND NOW, this 8th day of September, 2010, after holding a telephonic conference with counsel, it is HEREBY ORDERED that the amended scheduling order is VACATED. The following schedule is HEREBY ORDERED in the above captioned matter.

1. Plaintiff's motion for leave to amend to add a direct claim against the third-party defendant shall be filed no later than **September 18, 2010**.
2. All discovery (including responses) is to be completed by **December 21, 2010**.
3. All dispositive motions and motions regarding expert witnesses shall be filed by **January 17, 2011**. Responses to such motions shall be filed by **January 31, 2010**. Replies, if any, shall be filed by **February 7, 2011**.
4. All Motions in Limine shall be filed by **February 28, 2011**. Responses to such motions shall be filed by **March 14, 2011**.
5. A Pretrial Stipulation, signed by all counsel, shall be filed by **March 21, 2011**. (See Standing Order Re Pretrial Stipulation, attached hereto).
6. A Final Pretrial Conference will be held in Courtroom 6 of the Robert N.C. Nix Building, 900 Market Street, at **9:30 a.m. on April 4, 2011**.
7. JURY SELECTION will take place at **9:30 a.m. on April 11, 2011**, with trial commencing immediately following jury selection.

By **February 28, 2011**, Plaintiff will report in writing on counsels' serious settlement efforts. Any party may request a settlement conference.

If any of the documents required by this Order are not electronically filed, counsel shall have a copy hand-delivered to Chambers on the day of filing. The deadlines listed above are subject to revision only by the Court and only for good cause. A stipulation among counsel will not alter the Court's calendar.

BY THE COURT:

/s/ Elizabeth T. Hey
Elizabeth T. Hey
UNITED STATES MAGISTRATE JUDGE

JUDGE HEY'S STANDING ORDER RE PRETRIAL STIPULATION

(JURY TRIAL)

In lieu of pretrial memoranda or a Final Pretrial Order, under Local Rules 16.1(d)(1) and (2), a Pretrial Stipulation shall be submitted, containing the following:

1. Agreed facts. A conscientious effort should be made to narrow the areas of dispute.
2. Each party's disputed facts.
3. Two copies of each party's exhibits, as marked for trial. (Any objections to authenticity should be noted or will be considered waived. Exhibits shall be provided to the Court in the form of two, jointly prepared, loose leaf Exhibit Books, each separately numbering Joint Exhibits, Plaintiff's Exhibits, and Defendant's Exhibits.) If counsel expect to utilize oversized exhibits, please make the court aware so that we may make arrangements with Court Security Officers.
4. Each party's witnesses and the subject matter of the witness's testimony.
5. Unusual issues - contentions and authority.
6. Proposed voir dire questions, requests for jury instructions, and a proposed jury verdict form. Counsel shall make a good faith effort to agree upon as many of these items as possible. (THESE ITEMS ARE TO BE SUBMITTED IN HARD COPY AND ON DISK (WORDPERFECT IF POSSIBLE) OR EMAILED TO THE LAW CLERK ASSIGNED TO THE CASE.)
7. A statement of the electronic equipment that each side will be bringing for the presentation of its case and any request for additional electronic equipment that counsel will request the court to provide.
8. The signed approval of trial counsel for each party.

IT SHALL BE THE RESPONSIBILITY OF PLAINTIFF'S COUNSEL TO CIRCULATE A DRAFT OF THIS PRETRIAL STIPULATION AT LEAST ONE WEEK BEFORE IT IS DUE.

